IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

RP.No. 653 of 2007(L)

AGAINST THE JUDGEMENT/ORDER IN WPC.3471/2006

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REVIEW PETITIONERS/RESPONDENTS 1,2,3&5:

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1. STATE OF KERALA REP. BY
ITS SECRETARY, LOCAL SELF
GOVERNMENT, SECRETARIAT,
TRIVANDRUM.

2. DISTRICT COLLECTOR,
KOTTAYAM.

3. ADDITIONAL TAHSILDAR,
TALUK OFFICE, VAIKOM.

4. ASSISTANT EXECUTIVE ENGINEER,
PWD ROAD DIVISION, VAIKOM.

BY GOVERNMENT PLEADER

RESPONDENTS:

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1. RAJ, W/O.RAJEEV, KANDATHIL VEETIL,
THALAYOLAPARAMBU, VADAYAR,
VADAKKUMBHAGOM, VADAYAR VILLAGE,
VAIKOM TALUK.

2. THALAYOLAPARAMBU GRAMA PANCHAYAT,
REP. BY ITS SECRETARY.

3. IBRAHIMKUTTY, MURINGAKADAVIL HOUSE,
ADIYAM, THALAYOLAPARAMBU, VAIKOM,
KOTTAYAM.

R1 BY ADV. SRI.S.VIDAYASAGAR
R3 BY ADV. SRI.R.ANILKUMAR
R2 BY ADV. SRI.LAL GEORGE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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R.P. No.653 of 2007 in
W.P.(C) No.3471 of 2006

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Dated this the 31st day of July, 2007.

ORDER

This review petition is filed by respondents 1,2,3 and 5 in the W.P.(C) on the ground that the observation of this court in the judgment that the property occupied by the first respondent in the R.P. is Panchayat land is incorrect and the said land is Revenue puramboke land. It is to be noted that this court had no occasion to decide whether the land belongs to Panchayat or the Government. Since Panchayat has also claimed ownership of the land, it is for the concerned authority to decide ownership of land as to whether it is Panchayat land or Revenue puramboke. I leave open this issue for decision by concerned authority. However, first respondent shall not be evicted except after following procedure established by law and that too, after deciding the issue as to whether the property is owned by Panchayat or Revenue. The R.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms